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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 GRACE ALBANESE,

8 Plaintiff(s),

9 v.

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Defendant(s).

Case No. 2:17-CV-1285 JCM (VCF)

ORDER

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14 Presently before the court is Magistrate Judge Ferenbach's report and recommendation
15 ("R&R"). (ECF No. 3).

16 **I. Legal Standard**

17 This court "may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
19 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
20 determination of those portions of the [report and recommendation] to which objection is made."
21 28 U.S.C. § 636(b)(1).

22 Where a party fails to object, however, the court is not required to conduct "any review at
23 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
24 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
25 magistrate judge's report and recommendation where no objections have been filed. *See United*
26 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
27 employed by the district court when reviewing a report and recommendation to which no
28 objections were made).

II. Discussion

Plaintiff has not formally objected to the R&R. However, plaintiff's filings are *pro se*, and thus this court construes them liberally. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) ("A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.") (internal quotation marks and citation omitted). Thus, the court construes plaintiff's notice of appeal (ECF No. 4) as an objection. See *id.* Although plaintiff does not adequately address or brief the objectionable issues in plaintiff's notice of appeal, and therefore the court need not engage in a *de novo* review of the R&R, see *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991), the court will review the screening order *de novo* to ensure finality in the present case.

Upon granting a request to proceed *in forma pauperis*, the court then screens the complaint under 28 U.S.C. § 1915(e)(2). Federal courts may dismiss an action if it (1) is legally "frivolous or malicious," (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2). Section 1915 conserves judicial resources by empowering courts to dismiss actions that "fall somewhere between the frivolous and the farcical and so foster disrespect for our laws." *Crawford-El v. Britton*, 523 U.S. 574, 601 (1998) (Kennedy, J., concurring).

Where the litigant files *pro se*, courts use "less stringent standards" when considering the complaint. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972). "Such litigants often lack the resources and freedom necessary to comply with the technical rules of modern litigation." *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244-45 (3d Cir. 2013) (citing *Moore v. Florida*, 703 F.2d 516, 520 (11th Cir. 1983)). However, *pro se* litigants "should not be treated more favorably than parties with attorneys of record." *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir. 1986).

If the court dismisses a complaint under § 1915(e), the plaintiff should be given leave to amend with directions to cure the complaint's deficiencies, unless it is clear from the face of the complaint that amendment would be futile. See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted). Courts are not required to entertain duplicative or redundant lawsuits and may dismiss them

1 as frivolous or malicious under § 1915(e). *See id.* at 1105 n.2 (noting that courts may dismiss under §
2 1915 a complaint that merely repeats pending or previously litigated claims).

3 This case is one of 30 federal cases plaintiff has filed against the Las Vegas Metropolitan
4 Police Department (“LVMPD”) within the last year and a half. The claims raised in plaintiff’s
5 complaint against the LVMPD are directly related, if not identical, to plaintiff’s claims in the other
6 actions. *See, e.g., Grace Albanese v. Las Vegas Metropolitan Police Department*, case no. 2:16-
7 cv-00532-RFB-GWF; *Grace Albanese v. Homeland Security*, case no. 2:16-cv-00531-RFB-VCF;
8 *Grace Albanese v. Department of Homeland Security*, case no. 2:17-cv-01287-JCM-PAL; *Grace*
9 *Albanese v. Federal Bureau of Investigations*, 2:17-cv-01286-JAD-PAL. This action is duplicitous
10 and frivolous. Dismissal pursuant to 28 U.S.C. § 1915(e)(2) is therefore appropriate.

11 **III. Conclusion**

12 For the reasons stated in Judge Ferenbach’s R&R and stated above, the court dismisses the
13 case with prejudice.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
16 Ferenbach’s report and recommendation (ECF No. 3) be, and the same hereby is, adopted in its
17 entirety.

18 IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED
19 WITH PREJUDICE.

20 The clerk shall enter judgment accordingly and close the case.

21 DATED September 6, 2017.

22 
23 UNITED STATES DISTRICT JUDGE
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